

PATENT  
ATTORNEY DOCKET NO. 46969-5449

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Ikuya KIKUCHI

Application No.: 10/590,849

Filed: August 25, 2006

Title: MULTI-LAYER DISK-USE  
OPTICAL PICKUP DEVICE

Examiner: Unassigned

Group Art Unit: Unassigned

Confirmation No.: Unassigned

## MAIL STOP AMENDMENT

Commissioner of Patents

P.O. Box 1450

Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)

Sir:

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicant brings to the attention of the Examiner the documents listed on the attached PTO Form 1449. To the best of the undersigned's knowledge, this Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits for the above-referenced application. Accordingly, Applicant does not believe that a fee is due for filing this paper.

An International Search Report dated July 19, 2005 having documents cited therein was previously submitted in this application on August 25, 2006. The cited documents, or U.S. patent family members relating to the cited documents (as indicated on the previously submitted International Search Report), are listed on the attached PTO Form 1449 and copies of the cited non-U.S. documents are also attached hereto.

The relevance of the attached foreign language documents can be understood from the attached English-language abstracts, and from the citation of these documents in the International Search Report dated July 19, 2005. Applicant respectfully requests that the Examiner consider the listed documents and evidence that consideration by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that the listed documents are material or constitute "prior art." If it should be determined that the listed documents do not constitute "prior art" under United States law, Applicant reserves the right to present to the Office the relevant facts and law regarding the appropriate status of such document.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should any of the documents be applied against the claims of the present application.

**Except** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this Application, including fees due under 37 C.F.R. § 1.16 and 1.17 which may be required and including any required extension of time fees, *or* credit any overpayment to Deposit Account No. 50-0573. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

**DRINKER, BIDDLE & REATH LLP**



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Dated: October 19, 2006

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